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September 26, 2022

BY ECF

The Honorable Katharine H. Parker, U.S.M.J.
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 750
New York, NY 10007

Cohen v. Group Health Incorporated, Case No. 1:22-mc-00200-PAE-KHP:

Letter re Motion to Quash

Dear Judge Parker:

This firm represents Respondent Group Health Incorporated (“GHI” or “Respondent”) in the above-referenced miscellaneous action concerning Petitioner Steve M. Cohen’s (“Petitioner”) Motion to Quash. On September 22, 2022, the Court heard argument from Respondent and Petitioner. We write to provide a brief update regarding the parties’ post-hearing discussions.

On September 23, 2022, Respondent emailed Petitioner with a compromise proposal to resolve the Motion to Quash (attached as Exhibit A). On September 26, 2022, Respondent sent a follow-up email to Petitioner (attached as Exhibit B) and received an “Out of Office” message stating that Mr. Cohen is offline for the Rosh Hashana holiday and will respond to emails on Wednesday, September 28 (attached as Exhibit C). Shortly, thereafter, Plaintiffs’ counsel in the underlying action responded on Mr. Cohen’s behalf, and stated that the “offer is the same as it was two months ago: We will present Mr. Cohen on Mr. Cohen’s Communications with the NYAG’s office, DFS or any other regulator, if any, concerning GHI, and any evidence or information provided by Mr. Cohen to the same. We do not believe that any of the other topics in your email are relevant or proportional to the needs of the case.” (Attached as Exhibit D). In Respondent’s view, this response is not an effort to compromise, and even appears to backtrack on Mr. Cohen’s offer during last week’s conference to produce documents that he provided to the NYAG’s Office.

In light of the foregoing, the parties appear to be at an impasse. We thank the Court for its continued attention to this matter.

The Hon. Katharine H. Parker, U.S.M.J.

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Respectfully submitted,

/s/ Jared I. Kagan
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cc: Steve M. Cohen (by ECF)
Counsel of Record in the underlying action (by email)